

# Notice of Allowability

Application No.

10/604,298

Examiner

Andrea M. Valenti

Applicant(s)

SIEVERDING, ALFONS

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 23 October 2006.
2. ☒ The allowed claim(s) is/are 1-6,10,13-16 and 19.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



Andrea M. Valenti  
Primary Examiner  
Art Unit 3643

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard M. Mescher on 18 January 2007.

The application has been amended as follows:

**Claim 1, line 15**, "wherein divisions" was changed to --wherein divisions having a width--

**Claim 1, line 16**, "dimensions of the intermediate support area" was changed to -  
-a height of the intermediate support area--

**Claim 1, line 17**, "introduced on a short path and" was changed to --introduced over the width of each of the divisions and--

**Claim 1, line 28**, "of the second ledge." Was changed to --of the second ledge; wherein the inner edge of the first ledge and the inner edge of the second ledge are sized to form an annular play of 0.1 mm therebetween when stacked in a stack.--

**Claim 18 was cancelled**

#### ***Allowable Subject Matter***

Claims 1-6, 10, 13-16, and 19 are allowed.

The following is an examiner's statement of reasons for allowance:

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Cited references U.S. Patent No. 3,653,362; Japanese Patent JP 05-213358; U.S. Patent No. 3,973,316; Japanese Patent JP 03352940; U.S. Patent No. 2,335,260; U.S. Patent No. 3,353,707; U.S. Patent No. 3,091,360; U.S. Patent No. 3,721,367; U.S. Patent No. 4,863,058; U.S. Patent D241,764; U.S. Patent No. D65,842; U.S. Patent No. 3,045,887; U.S. Patent No. 3,288,340; U.S. Patent D256,682; U.S. Patent No. 3,785,088; U.S. Patent D235,909; U.S. Patent No. D202,507; U.S. Patent No. D240,956; U.S. Patent No. 4,715,144; U.S. Patent No. 4,291,493; U.S. Patent No. 2,253,817; European Patent EP 65108 A1; United Kingdom Patent GB 859,964; European Patent EP 1110870 A1 teach an at least slightly conical wall (3) and a bottom (5) connected to the conical wall (3); wherein the conical wall (3) has a rim area (2) remote from the bottom (5); wherein the rim area (2) is comprised of an upward-facing first ledge (7) and a downward-facing second ledge (8), located below the first ledge (7); wherein the rim area (2) comprises an intermediate support area (9) having a first end connected to the first ledge (7) and a second end connected to the second ledge (8); wherein a stacking spacing of the deep-drawn plastic plant pot, when stacked in a stack, is determined by the first and second ledges (7, 8); wherein the first and second ledges (7, 8), in a plan view onto the rim area (2), at least partially overlap; wherein the intermediate support area (9) has a wave shape at least at one of the first and second ends which softens a cross-sectional stiffness of the rim area to permit deformation of the rim area for improved removal from a deep drawing mold.

The prior art of record all fails to show, and fails to make obvious, either alone and/or in combination a deep drawn plastic plant pot wherein divisions having widths

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defined by the wave shape are not significantly greater than a height of the intermediate support area so that deformations of the rim area during removal from the deep drawing mold are introduced over the width of each of the divisions and with minimal deformations into the residual shape of the plastic plant pot; wherein the second ledge (8) has a contour matching the wave shape of the intermediate support area (9) and overlaps in a plan view radially at least most of a radial width of the first ledge (7); wherein the second ledge (8) continuously extends uninterrupted over an entire periphery of the plant pot; wherein the first ledge (7) forms an upper flange rim (12) of the rim area (2); wherein the upper flange rim (12) has a wall thickness that is greater than a wall thickness of the remaining parts of the plastic plant pot; and wherein an inner edge of the first ledge is larger in the radial direction than an inner edge of the second ledge; wherein the inner edge of the first ledge and the inner edge of the second ledge are sized to form an annular play of 0.1 mm therebetween when stacked in a stack.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 571-272-6895. The examiner can normally be reached on 7:00am-5:30pm M-Th.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Andrea M. Valenti  
Primary Examiner  
Art Unit 3643

18 January 2007